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10/675,637

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EXAMINER

RANGREJ, SHEETAL

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,637	Applicant(s) NORMAN, JAMES G.	
	Examiner SHEETAL R. RANGREJ	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-11, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rappaport (U.S. Publication No. 2002/0007285).

4. As per claim 1, Rappaport teaches a method comprising:
 - a. Providing a host computer system (**Rappaport: para. 0056, 5-6**), the host computer system being adapted to retrieve descriptive information about a plurality of ailments (**Rappaport: para. 0021, 49-52**), the descriptive information comprising one or more of the following: physiological aspects of the ailment, pathological aspects of the ailment, information as to whether the ailment is treatable, information about expected clinical course, and information about potential complications, the host computer system further being adapted to send to a client computer system communicating with the host computer system via the Internet (**Rappaport: para. 0022, 9-11**) the descriptive

information of any one of the plurality of ailments upon receiving from the client computer system a search query concerning said any one of the plurality of ailments

(Rappaport: para. 0021, 17-26);

b. Associating the descriptive information of each of the plurality of ailments with a plurality of ICD or CPT codes **(Rappaport: para. 0021, 44-49; para. 0021, 55-56; para. 0023, 3-5);**

c. Associating a plurality of content components with the plurality of ICD or CPT codes in a manner so that each of the content components is associated with at least one of the ICD or CPT codes **(Rappaport: para. 0023, 11-20);**

d. Sending the descriptive information of said any one of the plurality of ailments to the client computer system via the Internet **(Rappaport: para. 0022, 9-11)**, the sending of the descriptive information being initiated by the host computer system receiving from the client computer system the search query **(Rappaport: para. 0022, 3-4)** concerning said any one of the plurality of ailments **(Rappaport: para. 0021, 49-52);**

e. Sending to the client computer system via the Internet each of the content components that are associated with the ICD or CPT codes with which the sent descriptive information is associated **(Rappaport: para. 0022, 14-15).**

5. As per claim 2, the method of claim 1 is as described. Rappaport further teaches wherein the plurality of content components comprises names of at least a plurality of health care providers **(Rappaport: para. 0115).**

6. As per claim 3, the method of claim 2 is as described. Rappaport further teaches wherein the step of associating the plurality of content components with the plurality of ICD or CPT codes comprises associating the names of the health care providers with the plurality of ICD or CPT codes in a manner so that each of the names of the health care providers is associated with at least one of the ICD or CPT codes (**Rappaport: para. 0134**).

7. As per claim 4, the method of claim 3 is as described. Rappaport further teaches wherein the ICD or CPT codes with which the name of each health care provider are associated are ICD or CPT codes chosen by each such health care provider (**Rappaport: para. 0138**). The examiner interprets that if the codes were created then it would have been chosen by a health care provider.

12. As per claim 6, the method of claim 1 is as described. Rappaport further teaches wherein the search query concerning said any one of the plurality of ailments comprises an ICD or CPT code (**Rappaport: para. 0023, 8-12**).

13. As per claim 7, the method of claim 1 is as described. Rappaport further teaches herein the host computer system communicates with the client computer system in a manner for providing on the client computer system an interface for the host computer system, the interface prompting a user to input a search query (**Rappaport: claims 46 and 48**).

14. As per claim 8, the method of claim 7 is as described. Rappaport further teaches wherein the interface comprises a community, and wherein selection of the community by the user causes the search query to be sent to the host computer system (**Rappaport: fig. 10 [1009]**). The

examiner interprets that the requested procedure/test (i.e. query) was sent to the host computer system by a selection of the community.

15. As per claim 9, the method of claim 7 is as described. Rappaport further teaches wherein the interface comprises an icon on a community, and wherein selection of the icon by the user causes the search query to be sent to the host computer system (**Rappaport: fig. 10 [1013]**). The examiner interprets that an icon was clicked to send the request.

16. As per claim 10, the method of claim 9 is as described. Please see remarks for claim 8 and 9. The examiner interprets that this is all done on a webpage (Rappaport: para. 0022, 9-11).

17. As per claim 11, the method of claim 9 is as described. Rapport further teaches a. The step of associating the descriptive information of each of the plurality of ailments with the plurality of ICD or CPT codes comprises associating the descriptive information of each of the plurality of ailments with a plurality of ICD and CPT codes (**Rappaport: para. 0021, 44-49; para. 0021, 55-56; para. 0023, 3-5**);

b. The step of associating the plurality of content components with the plurality of ICD or CPT codes comprises associating the plurality of content components with the plurality of ICD and CPT codes (**Rappaport: para. 0023, 11-20**).

18. As per claim 19, Rappaport teaches an internet navigational system comprising:

a. At least one computer database having stored therein descriptive information about a plurality of ailments, the descriptive information comprising one or more of the following: physiological aspects of the ailment, pathological aspects of the ailment, information as to whether the ailment is treatable, information about expected clinical

course, and information about potential complications, the descriptive information of each of the plurality of ailments being associated with a plurality of ICD or CPT codes, the at least one computer database also having stored therein a plurality of content components, each of the content components being associated with at least one of the ICD or CPT codes (**Rappaport: para. 0061, 1-7; para. 0064, 4-9**);

b. A host computer system adapted and configured to retrieve from the at least one computer database the descriptive information, the host computer system further being adapted and configured to send to a client computer system communicating with the host computer system via the Internet the descriptive information of any one of the plurality of ailments upon receiving from the client computer system a search query concerning said any one of the plurality of ailments, the host computer system further being adapted and configured to send to the client computer system via the Internet at least one of the content components based upon the association of the ICD or CPT codes such that the sent content components are associated with the ICD or CPT codes with which the sent descriptive information is associated (**Rappaport: para. 0056**).

19. As per claim 20, Rappaport teaches an internet navigational system. Please see remarks for claim 19.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 5 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport (U.S. Publication No. 2002/0007285) in view of Tallman et al. (U.S. Patent No. 5,964,700).

22. As per claim 5, the method of claim 2 is as described. Rappaport does not teach wherein the step of associating a plurality of content components with the plurality of ICD or CPT codes comprises associating each of at least some of the names with at least one of the ICD or CPT codes in a manner so that each of the plurality of ICD or CPT codes employed has at least one of the names associated therewith.

Tallman teaches wherein the step of associating a plurality of content components with the plurality of ICD or CPT codes comprises associating each of at least some of the names with at least one of the ICD or CPT codes in a manner so that each of the plurality of ICD or CPT codes employed has at least one of the names associated therewith (**Tallman: col. 40, 35-46**). The examiner interprets that the provider-matched button implies each plurality of ICD or CPT codes employed has at least one of the names.

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Rappaport and Tallman with the motivation to process, identify, or classify the medical procedure/test performed by a service provider (**Rappaport: para. 0006, 6-7**).

23. As per claim 12, Rappaport teaches a method comprising:

- a. Providing a host computer system (**Rappaport: para. 0056, 5-6**), the host computer system being adapted to retrieve descriptive information about a plurality of ailments (**Rappaport: para. 0021, 49-52**), the descriptive information comprising one or more of the following: physiological aspects of the ailment, pathological aspects of the ailment, information as to whether the ailment is treatable, information about expected clinical course, and information about potential complications, the host computer system further being adapted to send to a client computer system communicating with the host computer system via the Internet (**Rappaport: para. 0022, 9-11**) the descriptive information of any one of the plurality of ailments upon receiving from the client computer system a search query concerning said any one of the plurality of ailments (**Rappaport: para. 0021, 17-26**);
- b. Associating the descriptive information of each of the plurality of ailments with a plurality of ICD or CPT codes (**Rappaport: para. 0021, 44-49; para. 0021, 55-56; para. 0023, 3-5**);
- d. Sending the descriptive information of said any one of the plurality of ailments to the client computer system via the Internet (**Rappaport: para. 0022, 9-11**), the sending of the descriptive information being initiated by the host computer system receiving from the client computer system the search query (**Rappaport: para. 0022, 3-4**) concerning said any one of the plurality of ailments (**Rappaport: para. 0021, 49-52**);

e. Sending to the client computer system each of the names of the plurality of health care providers that are associated with the ICD or CPT codes with which the sent descriptive information is associated (**Rappaport: para. 0022, 14-15**).

Rappaport does not teach (c) associating names of at least a plurality of health care providers with the plurality of ICD or CPT codes in a manner so that each of the names of the plurality of health care providers is associated with at least one of the ICD or CPT codes.

Tallman teaches (c) associating names of at least a plurality of health care providers with the plurality of ICD or CPT codes in a manner so that each of the names of the plurality of health care providers is associated with at least one of the ICD or CPT codes (**Tallman: col. 40, 35-46**). The examiner interprets that the provider-matched button implies each plurality of ICD or CPT codes employed has at least one of the names.

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Rappaport and Tallman with the motivation to process, identify, or classify the medical procedure/test performed by a service provider (**Rappaport: para. 0006, 6-7**).

24. As per claim 13, the method of claim 12 is as described. Please see remarks for claim 4.
25. As per claim 14, the method of claim 12 is as described. Please see remarks for claim 6.
26. As per claim 15, the method of claim 12 is as described. Please see remarks for claim 7.
27. As per claim 16, the method of claim 15 is as described. Please see remarks for claim 8.
28. As per claim 17, the method of claim 15 is as described. Please see remarks for claim 9.
29. As per claim 18, the method of claim 17 is as described. Please see remarks for claim 10.

Response to Arguments

1. Applicants arguments filed 6/9/2008 have been fully considered but they are not persuasive. Applicants' arguments will be addressed herein below.

In the remarks, Applicant argues in substance that the detailed Declaration provides support that the Applicant's invention was conceived and reduced to practice before the effective dates of the applied references. The Examiner respectfully submits that in considering evidence presented in the affidavits and declarations does not establish nexus between the claimed invention. In particular, the submitted exhibits do not describe the recited claim language "the host computer system being adapted to retrieve descriptive information about a plurality of ailments, the descriptive information comprising one or more of the following: physiological aspects of the ailment, pathological aspects of the ailment, information as to whether the ailment is treatable, information about expected clinical course, and information about potential complications, the host computer system further being adapted to send to a client computer system communicating with the host computer system via the Internet the descriptive information of any one of the plurality of ailments upon receiving from the client computer system a search query concerning said any one of the plurality of ailments."; "sending the descriptive information of said any one of the plurality of ailments to the client computer system via the Internet, the sending of the descriptive information being initiated by the host computer system receiving from the client computer system the search query concerning said any one of the plurality of ailments; and "sending to the client computer system via the Internet each of the

content components that are associated with the ICD or CPT codes with which the sent descriptive information is associated.”

2. Moreover, Applicant has not demonstrated how the Exhibits and declarations provide a nexus to Applicant’s recited claimed language. The examiner would like the Applicant to point-out and direct correlation between the claim language and the presented Exhibits.

3. Applicant states that Exhibit 2 to the Declaration has a flowchart entitled "Four Ways for a User to find Correct Healthcare Information Over the Internet," which concerns obtaining the type of information described in the claims “via the Internet.” Applicant further states that the flowchart indicates that a “code is typed into a ‘search’ box,” that instruction indicates that the user will be using a computer keyboard to enter a healthcare related term; and furthermore, for a user to access the Internet, the user must have a computer, i.e. a client computer system that is used to access information via the internet. Examiner reiterates that the Applicant has not provided nexus between the claimed invention and the evidence submitted. Examiner further states that Exhibit 2 illustrates a flowchart for gathering information, but Applicant must provide a detailed nexus on how the evidence is the same as the claimed invention. Same arguments apply to Exhibit 1 and 4.

4. Provisional application (60/140,102) of Rappaport (U.S. Publication No. 2002/0007285) teaches claim 1:

a. Providing a host computer system, the host computer system being adapted to retrieve descriptive information about a plurality of ailments, the descriptive information comprising one or more of the following: physiological aspects of the ailment,

pathological aspects of the ailment, information as to whether the ailment is treatable, information about expected clinical course, and information about potential complications, the host computer system further being adapted to send to a client computer system communicating with the host computer system via the Internet the descriptive information of any one of the plurality of ailments upon receiving from the client computer system a search query concerning said any one of the plurality of ailments **(Rappaport: p. 9-10; p. 26);**

b. Associating the descriptive information of each of the plurality of ailments with a plurality of ICD or CPT codes **(Rappaport: p. 24; p. 29-34);**

c. Associating a plurality of content components with the plurality of ICD or CPT codes in a manner so that each of the content components is associated with at least one of the ICD or CPT codes **(Rappaport: p. 29-34);**

d. Sending the descriptive information of said any one of the plurality of ailments to the client computer system via the Internet, the sending of the descriptive information being initiated by the host computer system receiving from the client computer system the search query concerning said any one of the plurality of ailments **(Rappaport: p. 31-34);**

e. Sending to the client computer system via the Internet each of the content components that are associated with the ICD or CPT codes with which the sent descriptive information is associated **(Rappaport: p. 31-34).**

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEETAL R. RANGREJ whose telephone number is (571) 270-1368. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/SRR/
Examiner, Art Unit 3626
September 16, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3626